

In The U.S. District Court
Eastern District of Texas
Lufkin Division

Robertson, ET AL.,
Plaintiffs

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Freddy Hurley, Pro Se
Petitioner

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Collier, ET AL.,
Defendants

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Writ No. 9:23-w-23

Motion To Intervene

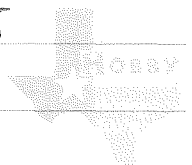
To The Judge Of The Court:

On November 2023, January 2024, March 2024, and May 2024 the U.S. District Court Lufkin Division, acknowledged receipt of Petitioner Hurley's pro se filed Court pleading and his request too intervene in Robertson ET AL. vs. Collier Et AL., Writ No. 9:23-w-23. Also, because Petitioner is disabled, see 42



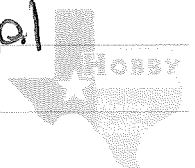
U.S.C. § 12101, elderly, and he now has a hard time too adequately assert Petitioner's legal claim so he respectfully asks this Texas conservative Court to review Petitioner Hurley's pro se filed legal pleadings and his evidence exhibits in a less rigorous standard than that stated by Defendants and their well trained legal representatives, i.e. the Texas Attorney General and his schooled attorneys.

And, on March 15, 2024, the U.S. Magistrate Judge, Lufkin Division, tactically advised Petitioner that the Court accepted his pleadings to intervene in Robertson Et al. vs. Collier Et Al, writ No. 9:23-cv-23, and terminated the abated filing to dismiss filed by the Texas Attorney General on behalf of Defendants, the State Prison System, "TDCJ," wherein TDCJ's Executive Director, Bryan Collier, said that primary purpose of prison is to punish and its not-so-secret is to use its inmates as slaves to maximize TDCJ's profits from its inmates contemporary slavery from their forced labor from inside TDCJ, and Defendant Collier also said that TDCJ and the 90 plus state prison writ facilities has built are not used as nursing home type facilities for geriatric care since TDCJ



staffing is a challenge and is short of over 8,500 employees that effects the maximized profit for Texas thru TOCS's inmate slavery; see Exhibit A, 15 pages, wherein Defendant Collier says Petitioner may not submit a TOCS Step 2 grievance appeal on a Step 1 grievance.

On March 15th the Court also terminated Defendants motion to dismiss and now Petitioner respectfully ask the Court to inform him of the status and the Court's scheduled oral argument date in Robertson v. Collier, Writ No. 9:23-w-23, since Defendants told Petitioner Hurley on 07/22/2024 that his claim is "inappropriate/excessive," see Exhibit A, TOCS Grievance No. 2024129089. And when factual disputes exist between Petitioner Hurley and Defendants the Court has to accept as true Petitioner's pro se pleadings as true, see e.g. Wagner v. Bay City, 227 F.3d 316 (5th Cir. 2000) also see Gonzales v. Dallas County, 249 F.3d 406 (5th Cir. 2001). And the Court must be prepared too concede that the facts Petitioner Hurley asserts in his court pleadings are true and, Petitioner need not search for legal cases that are squarely on his point to show a legal



right is clearly established by a pro se pleader, meaning, the U.S. Supreme Court has held that a person (Petitioner Hurley) need not define a clearly established law at a high level of generality like Defendants and their schooled Texas Attorney General and his paid attorneys, see e.g. *Ashcroft v. al-Kidd*, 563 U.S. 731 (2011), also see *Cunningham v. Castleo*, 984 F.3d 105 (5th Cir. 2020). And pro se prison inmates and their legal pleadings are too be held to a lesser standard than those drafted by trained attorney, see e.g. *Hughes v. Rowe*, 449 U.S. 5 (1980).

Plus, Petitioner Hurley's Court pleadings to intervene in *Robertson v. Collier*, Writ No. 9:23-cv-23, calls for an evidentiary hearing for factual determination, see e.g. *Carroll v. Beto*, 379 F.2d 329 (5th Cir. 1967). And in Petitioner's TDCJ sentence begin date January 19, 1987, he has been held in punitive long term solitary confinement in TDCJ's "Restricted Housing" individual cell for Protective Safekeeping ("PC") due to TDCJ threat of harm and a hit on Petitioner Hurley's life by TDCJ employed staff and TDCJ inmate gangs and their associates who are housed in TDCJ's Inmate General

Population ("QP") where a TOCJ selected few inmates are currently picked to be TOCJ Inmate Building Tenders, see e.g. Ruiz v. Estelle, 503 F. Supp. 1265 (S.D. Tex. et al), where the inmates are provided with canteens, big screen TVs, coffee pots, ice machines, etc. to award the QP inmates to act similar too Hamas/Houthis militants to guard over the 130,000 TOCJ inmates because TOCJ is short of over 8,500 security personnel where some of the inmates refuse to work as TOCJ inmate slaves for free without pay, see e.g. Ruiz v. Estelle (above).

Summary

As described above, TOCJ incarcerates over 130,000 thousands inmates, another 25,000 plus thousand TOCJ inmates are held in various Texas County Jails waiting on transfer to one of the 90 plus State Prison facilities; also, some of the TOCJ employed staff members are alcoholic and/or under investigation for domestic violence toward family members which often leads to inmate abuse. And, after Petitioner recently wrote to the Chief Justice of the U.S. Supreme Court, the Honorable John Roberts, and the U.S.

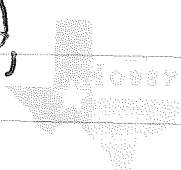


Department of Justice, Civil Rights Division, regarding the TOCS employees and their malicious shenanigans toward inmates, i.e. Petitioner's PC cell was then rearranged and most all of his legal papers were confiscated and thrown in the trash and, prior to that, on 06/24/2023 I was attacked by a TOCS employed Guard (John Joe) who then stuck his fingers in my butt crack after kicking me in the neck while I was hogtied to my ADA walker, thereafter I had to be rushed via ambulance too a free-world hospital. The TOCS Parole System also also continues that I have a "instant offense" concerning my 01/19/1987 TOCS sentence begin date and refuses too release me on parole from my PC solitary confinement in TOCS's Restricted Housing, see e.g. writ No. 6:24-cv-155, filed in the U.S. District Court, Tyler Division.

Prayer

herein Petitioner Hurley prays that this Honorable Court in Writ No. 9:23-cv-23, Lufkin Division, will grant to Petitioner an evidentiary hearing.

Respectfully submitted,



Freddy Hurley

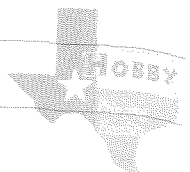
Freddy Hurley, TDCJ #453088
Pawledge Unit (B2), State Prison
1400 FM 3452
Palestine, TX 75803

Certificate of Service

I, Freddy Hurley, TDCJ #453088, certify that
Petitioner's Court pleading, Unit No. 9:23-cv-23,
is true and written under penalty of perjury, see
28 U.S.C. § 1746

Declarant

Freddy Hurley



Freddy Hurley

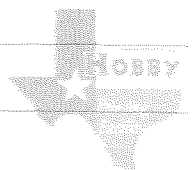
Freddy Hurley, TDCJ #453088
Pawledge Unit (B2), State Prison
1400 FM 3452
Palestine, TX 75803

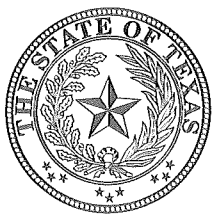
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Petitioner's Court pleading, Unit No. 9:23-cv-23,
is true and written under penalty of perjury, see
28 U.S.C. § 1746

Declarant

Freddy Hurley





Texas Department of Criminal Justice

OFFICE USE ONLY

STEP 1

OFFENDER GRIEVANCE FORM

Offender Name: Freddy Hurley TDCJ # 453088
 Unit: Powledge (B2) Housing Assignment: A-8-Solitary Cell
 Unit where incident occurred: Powledge, Restricted Housing
lcc = file

Grievance #: _____
 Date Received: _____
 Date Due: _____
 Grievance Code: _____
 Investigator ID #: _____
 Extension Date: _____
 Date Retd to Offender: _____

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? A TDCJ Nigerian Guard When? 07/21/2024
 What was their response? The Nigerian Guard couldn't grasp plain english
 What action was taken? The Nigerian Guard couldn't grasp plain english
JUL 22 2024

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

My 07/22/2024 TDCJ Inmate Step 1 Grievance (I-127) describes my TDCJ adverse claim involving State Prison System (TDCJ) Officials and the TDCJ Grievance Process System, i.e. AD-03.82/BP-03.07 says that the State Prison Grievance and any evidence attached to the inmate's grievance "shall" be post marked, i.e. each page of the two letter's I've filed: (1) the TDCJ Deputy Executive Director, Mr. Oscar Mendoza, dated 07/18/2024 (7 pages), and (2) the 3 page letter to Ms. Nicole Sandifer, the Powledge Unit's Senior Warden dated 07/19/2024, concerning the malicious shenanigans taking place on the Unit's Segregated Restricted Housing Wing that causes me to suffer psychological harm, "PTSD" by the Unit's "Blue Bandana Clique" of TDCJ employed staff, TDCJ employees who are alcoholic; plus the TDCJ hired Nigerian Guards who managed to get their job and "Green Cards" after seeing the job ads in the newspaper in Nigeria, and they can hardly speak english. In summary, TDCJ's Grievance Policy (see e.g. F:\AdmSuppEmpClass\FY-3-op.docx) says that TDCJ staff "shall" participate in my grievance since I am filing a TDCJ Risk Management Claim since TDCJ Officials have knowledge that their malicious acts are causing to me to suffer psychological harm by their malicious refusal to let me participate in any rehabilitation and religious activity programs - causing me to suffer psychological harm, "PTSD."

(cc = file) 22 2024

Action Requested to resolve your Complaint.

JUL 22 2024

I request a "OIG" (Internal Affairs) investigation

Offender Signature:

[Handwritten Signature]

Date:

07/22/2024

Grievance Response:

Signature Authority:

Date:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☒ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature:

A. Slocum / H. Slocum UGI II

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority:

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission

UGI Initials:

Grievance #:

2024129089

Screening Criteria Used:

04-899

Date Recd from Offender:

JUL 22 2024

Date Returned to Offender:

JUL 22 2024

2nd Submission

UGI Initials:

Grievance #:

Screening Criteria Used:

Date Recd from Offender:

Date Returned to Offender:

3rd Submission

UGI Initials:

Grievance #:

Screening Criteria Used:

Date Recd from Offender:

Date Returned to Offender:



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: Freddy Hurley TDCJ # 453098
 Unit: Powledge (B2) Housing Assignment: A-8 Solitary Confinement
 Unit where incident occurred: Powledge (B2), Solitary Confinement
cc- file

OFFICE USE ONLY

Grievance #: _____
 UGI Recd Date: _____
 HQ Recd Date: _____
 Date Due: _____
 Grievance Code: _____
 Investigator ID#: _____
 Extension Date: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

I appeal the TDCJ Step 1 adverse grievance claim, Grievance No. 2024129089, wherein the TDCJ Grievance Investigator, Mrs. Heather E. Sloane, on 07/22/2024 contrives that my TDCJ inmate 7 page correspondence to the TDCJ Deputy Executive Director Mr. Oscar Mendoza, and my 3 page letter to the TDCJ Powledge Unit's (B2) Senior Warden, Mrs. Nicole Snodder, is "inappropriate/excessive," and both letters are attached and dated to my TDCJ Step 2 Grievance Appeal, No. 2024129089; and, TDCJ Officials nor Mrs. Sloane neither refutes or denies my two letters to TDCJ Officials but tactically acknowledges my claims, therefore I appeal to TDCJ's Step 2 Grievance Process of Mrs. Sloane's contrived statement which lets me file a supplement to my legal claims in both Robertson v. Collier, writ No. 9:23-cv-23, and Hurley v. TDCJ-CID Director, writ No. 6:24-cv-155, regarding my TDCJ denied parole release, a retaliatory act by TDCJ Officials concerning my exercise of legal rights that related to my disability and my being elderly wherein the TDCJ Executive Director recently told PPE that TDCJ don't usually build its prisons with nursing home-type housing where older TDCJ inmates are mobility limited so I appeal Mrs. Sloane's contrived statement claiming my grievance is excessive.

(cc-file)

Offender Signature: _____

Date: 07/24/2024

Grievance Response: _____

Signature Authority: _____

Date: _____

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

Freddy Hurley, TDCJ # 453088
Pawledge Unit (B2), State Prison
1400 FM 3452
Palestine, TX 75803

July 29, 2024

U.S. District Court, Lufkin Division
Eastern District of Texas
104 North Third Street
Lufkin, TX 75901

Re: Writ No. 9:23-cv-23

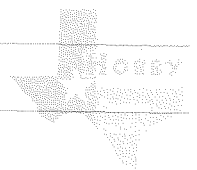
Dear Clerk:

Enclosed your department will find Petitioner Hurley's "Motion To Intervene," submitted on 07/29/2024 to be filed with the Court in Robertson Et AL vs. Collier Et AL, Writ No. 9:23-cv-23, and, the Clerk's Office assistance to Petitioner's pro se filing is sincerely appreciated.

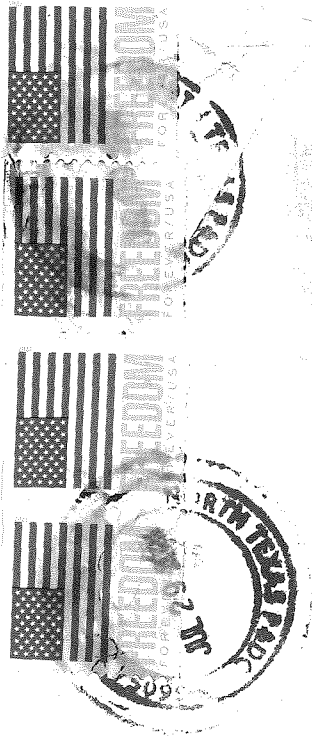
Respectfully,

Freddy Hurley

cc= file



Freddy Hurley TDCJ #453080
Partridge Unit (B2), State Prison
1400 Fwy 3452
Palestine, TX 75803



U.S. District Court Lufkin Division
Eastern District of Texas
104 North Third Street
Lufkin, TX 75901

CLERK, U.S. DISTRICT COURT
RECEIVED
AUG 01 2024
EASTERN DISTRICT OF TEXAS
LUFKIN, TEXAS